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AG KING OFFERS LEGISLATIVE PACKAGE FOR FAMILY PROTECTION, VICTIMS RIGHTS, LAW ENFORCEMENT

(MONTGOMERY)—Attorney General Troy King today announced a legislative package—including several anti-crime bills and major reforms for victims' rights and family protection—that he will advocate to the Alabama Legislature for passage. Attorney General King asked citizens to help in urging their legislators to move swiftly to ensure that this legislation is approved. [\[Click here for Alison to look up bills by number.\]](#)

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"I am proud of the package we are presenting to the Legislature. Its passage will better protect Alabama families, fight for the rights of crime victims, and enhance law enforcement," said Attorney General King. "While we are strong in our hope that all members of the Legislature will recognize the importance of these issues, the people of Alabama can help by joining us to keep their legislators' attention focused on these vital issues. Together, we can move forward with a firm resolve to make Alabama safer and stronger."

Attorney General King is offering legislation to protect Alabama's families and the rights of crime victims, by further strengthening the Community Notification Act, shielding child victims from having to testify in the same room with the offender, and clarifying that each consecutive sentence of an offender is counted separately for purposes of parole consideration. The Attorney General is asking legislators to provide life without parole or the death penalty to repeat sex offenders who prey upon children or others who are incapable of consent. He wants the law changed so that a criminal is guilty of child solicitation, even if the "child" the criminal believes he is soliciting turns out to be an undercover officer. Another bill would stop death row inmates and other felons from exploiting their crimes and victims for profit.

Attorney General King is asking the Legislature to protect law enforcement officers and innocent bystanders by strengthening the penalty for eluding a law enforcement officer; by classifying electronic stun weapons as "dangerous instruments" and providing stiff penalties for the use of these weapons against law enforcement officers or for their use in the commission of a crime; by requiring the collection of DNA samples from everyone arrested for a felony; by changing the law to allow law enforcement and first responders to designate who will receive benefits if they are killed, and to make non-dependent children eligible for survivor benefits; and by allowing courts to recognize "no contest" pleas made in other states, so that these pleas could be considered in Alabama court proceedings.

In addition, Attorney General King is proposing that the law provide for civil lawsuits and penalties that would take the profit out of illegal gambling activities. He also offers a constitutional amendment to require that everyone convicted of a felony—not just those convicted of a felony involving moral turpitude—is ineligible to vote unless and until they successfully apply to have their political rights restored.

The Attorney General urged the Legislature to give special attention and act upon the following bills:

- Closed Circuit Testimony of a Child Victim, HB 391 and SB 265, sponsored by Representative Cam Ward and Senator Myron Penn.

Under this law, a child victim would be able to testify by closed-circuit television from a separate and secure location, rather than having to testify in the same room with a defendant who may have

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threatened the child with death for testifying. In this manner, the child could provide live testimony before a jury, without being subjected to the fear and intimidation of being in the presence of the individual accused of victimizing the child.

- Community Notification Act changes, to be sponsored by Representative Neal Morrison and Senator Hinton Mitchem.

Attorney General King remains committed to this pledge to make the Community Notification Act ever stronger and to better protect families and their children from sex offenders. The proposed changes include adding indecent exposure to the list of crimes that are subject to community notification, requiring that notification flyers are distributed also to hotels, adding Boys and Girls Clubs and the YMCA to the list of institutions that a sex offender may not live or work near, and adding mental institutions to the definition of “release” so that notification provisions still apply when an offender is released not directly into the community but into a mental facility. The law would prohibit the release of sex offenders during the time between their conviction and sentencing. It would stop sex offenders from using a mobile home or other structure on property next to a house, as a means of circumventing the restriction against residing with a minor. It would clarify that, in the event of a conflict, Community Notification Act requirements would override the law for the sealing of juvenile records. Sex offenders would be compelled to provide an actual physical address that can be verified. Sex offenders would also be required to register their email addresses and other online identities, such as MySpace and Facebook identities. Furthermore, the amended law would transfer some of the financial burden to sex offenders themselves, who would have to pay a \$35 fee upon initial registration and again every time he or she moves. Also, for sex offenders convicted after January of 2008, within three months of their release they would have to get a new driver’s license or state identification card that designated their status as convicted sex offenders.

- Notoriety Bill, HB 424 and SB 282, sponsored by Representative Cam Ward and Senator Zeb Little.

This law would prevent felons, particularly those on death row, from profiting from the notoriety of their crimes. Felons would not be allowed to keep any profits from their sale of any items, including book or movie rights, paintings, drawings and personal items, whose value was derived or enhanced from the notoriety or infamy of the seller. Instead, such profits would be paid to the State Board of Adjustment, which would establish a fund to pay the victims until all restitution and any civil judgments are satisfied. The necessity for this law was recently highlighted by reports of two death row inmates—James Trawick and Daniel Seibert—whose items such as drawings, letters, and essays are being sold on internet auction sites.

- Survivor Benefits, HB 259 and SB 266, sponsored by Representative John Rogers and Senator E.B. McLain.

The law currently provides benefits for survivors of law enforcement and first responders who die in the line of duty, but only to the spouse, dependent children, or parents. If a fallen officer is not survived by a spouse, dependant children or parents, then no one receives the survivor benefit, even if the fallen officer left behind adult, non-dependent children. The Attorney General seeks amendment of this law to allow law enforcement to designate the beneficiary of this benefit. If no one is designated, the fallen officer’s benefit would be paid to adult, non-dependent children pursuant to a statutory designated distribution.

- Concurrent/Consecutive Sentencing, HB 361, sponsored by Representative John Robinson.

This law would give real meaning to each consecutive sentence, in determining when an inmate is eligible for parole consideration. Currently, the law treats consecutive and concurrent sentences the same if the sentence is more than 30 years. Under Attorney General King’s proposal, each sentence

would be measured separately and *for each sentence*, the inmate could not be considered for parole until he or she had served one-third of the sentence or ten years, whichever is shortest. For example, the family of the victims of Edward Albert Seibold would have been spared the recent hearing on March 13 as well as eight previous hearings. Seibold was sentenced consecutively to three life sentences and another 20 years imprisonment for a vicious attack upon an Auburn family that left three people dead nearly 40 years ago. The family and friends of his victims have been subjected to the additional trauma of nine parole hearings.

- Attempting to Elude Law Enforcement, HB 342 and SB 236, sponsored by Representative Spencer Collier and Senator Wendell Mitchell.

The purpose of this legislation is to reduce the number of individuals who flee from law enforcement, particularly by means of a vehicle. Intentional flight from law enforcement would start as a class B misdemeanor, but it would become a class C felony if a motor vehicle is used, and it would be a class B felony if the flight created a risk of injury or death to bystanders. This bill is a high priority for law enforcement and would keep our streets safer for the citizens of Alabama. Attorney General King has named this bill in honor of Montgomery police officer Keith E. Houts who was shot to death last fall while making what appeared to be a routine traffic stop.

- DNA Arrestee Testing.

Current law allows for DNA testing of people *convicted* of a felony, as well as for all crimes involving a danger to other people. Attorney General King proposes that all persons *arrested* for a felony should be DNA tested. This is important to ensure that identification of a person is positive and correct with DNA evidence, the most advanced and accurate identification scientifically available. The results of these samples would be added to a state database.

- Nolo Contendere, HB 197 and SB 15, sponsored by Representative Jamie Ison and Senator Bradley Byrne.

Alabama law currently does not recognize “nolo contendere” pleas made in other states, where the defendant does not actually plead guilty to the crime but accepts a conviction by not contesting the charge. For example, during the 2005 trial of Jeremy Jones for a brutal rape and murder, prosecutors were barred from informing the jury of his vile past, which included three separate nolo contendere pleas to sexual assault. Attorney General King has named this The Lisa Marie Nichols Justice for Victims Act, in honor of the victim that his office convicted Jones for killing. The proposed law would treat a plea of nolo contendere from other jurisdictions in the same regard as a plea, judgement, or verdict of guilt in Alabama. This allows the State to use the nolo contendere plea to impeach the testimony of a witness, to count as an aggravating circumstance in sentencing for a capital murder, and for enhanced penalties under the Habitual Offender Act.

- Electronic Stun Weapons.

Alabama law currently does not define or specifically restrict the use of electronic stun weapons. This legislation will define and classify these devices as “dangerous instruments,” and make it a felony crime to use them against a law enforcement officer or during the commission of a crime. The law further prohibits anyone under 18 from possessing an electronic stun weapon, or for anyone to sell or provide one to someone under 18.

- Capital Punishment for Repeat Child Sex Offenders, HB 335, sponsored by Representative Jeremy Oden.

Capital punishment is reserved for the worst of the worst offenders, and Attorney General King believes that there are certain crimes for which the only appropriate penalty is death. Repeat child sex offenders have displayed a propensity to victimize children again and again, and their horrifying crimes

wreak devastation upon the lives of their defenseless victims, inflicting harm that scars them for life and robs them of their innocence. The new law would impose capital punishment—the death penalty or life imprisonment without parole—for the second conviction of rape, sodomy, or sexual torture of a child under age 12 or of someone incapable of providing consent because the victim is physically helpless or mentally incapacitated.

- Solicitation of a Child by Computer, HB 224 and SB 257, sponsored by Representative Steve McMillan and Senator Bradley Byrne.

Currently, the law is not clear that a person can be charged with soliciting a child by computer if the person being solicited is, in fact, a law enforcement officer, and not a child. This law would clarify that the offender could be charged with soliciting a child, if the offender believed that he or she was soliciting a child less than 16. The class B felony of soliciting a child by computer could be charged if a person and who is at least three years older than his victim believes he or she is soliciting a child less than 16.

- Civil Recovery for Illegal Gambling Activity, SB 177 and HB 457, sponsored by Senator Scott Beason and Representative Randy Wood.

Under the current law, criminal fines are so low for outlaw gambling that the gambling operators consider them just another general cost of doing business. This new law would set high civil penalties to strip the profits from those who own, operate, possess, lease, or have an indirect or direct financial interest in the operation of, an illegal gambling device. Attorney General King notes that, under current law, an illegal gambling operation can recover the cost of fines it may face with the profits from just three days of operation. The new law would make the potential cost of illegal gambling so high that it is simply no longer worth the risk. First-time offenders would face fines for an individual or entity of at least \$1,000 for each day a gambling device is in use, and for each gambling device; or up to three times the gross receipts derived from the gambling device, whichever is greater. In addition, all profits must be forfeited, as well as any property, real or otherwise, used in connection with the gambling device. It is expressly stated that these civil penalties are not intended to replace existing civil and criminal penalties, but to be used in conjunction with them.

- Felon Voter Rights.

This legislation would resolve current confusion over which convicted felons are ineligible to vote because their crimes may have involved moral turpitude. Attorney General King proposes the simple remedy that *all* convicted felons lose their civil and political rights—including the right to vote—and sets aside any question of whether the particular felonies involved moral turpitude. Convicted felons would not be able to vote unless and until they successfully applied to have their rights restored by the Board of Pardons and Paroles. This is a proposed amendment to the Constitution of Alabama, and would have to be ratified by the voters of Alabama.

“These crucial bills reflect my commitment as Attorney General to protect the families of Alabama, to keep safe our loved ones, to defend our citizens against those who would exploit and violate innocent victims, to assist law enforcement in their heroic efforts, and to safeguard our election system,” said Attorney General King. “It is my fervent hope that the members of the Alabama Legislature will use their power to make these reforms a reality for the people of our state.”

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